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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL02 0503 US	8884

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EXAMINER	
CHEN, JUNPENG	
ART UNIT	**PAPER NUMBER**
2618	

NOTIFICATION DATE	DELIVERY MODE
12/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/517,921	BREKELMANS, JOHANNES HUBERTUS ANTONIUS	
	Examiner	Art Unit	
	Junpeng Chen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 4-6 of the remarks, filed 09/12/2007, with respect to the rejection(s) of claim(s) 1-11 under 35 U.S.C. 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider **claim 3**, it recites "in/output" in line 2. It is unsure whether it means "input and output" or "input or output". For the purpose of further examination on current claim 3, the examiner interprets "in/output" as "input or output".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger (U.S. Patent No. 5,678,211)** in view of **Englmeier (U.S. Patent 7,119,834 B2)**.

Consider **claim 1**, Badger shows and discloses a receiver comprising a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), at least one database field in a database (read as an inherently existing memory that provides DATA IN to PROM 42, Fig. 1, lines 37-54 of column 2) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the digital trimming signal for turning the filter 14 is from bus line 48, which is connected to the inherently existing memory that provides DATA IN and is outside of the receiver, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englimeier's system inherently existing an identifier for the network to identify it to send correct calibrate signals.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 2**, **as applied to claim 1 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the receiver comprises a receiver memory (read as PROM 42, lines 38-54 of column 2, Fig. 2) located outside the tuner for storing the calibration signal (read as digital trimming signal used by DAC 32 to find VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which digital trimming signal is from the data stored in PROM 42, lines 22-54 of column 2, Fig. 1), with the tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 3**, **as applied to claim 2 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the database is coupled to a network (read as the inherently existing connection between PROM 42 (part of the receiver) and the inherently existing memory that provides DATA IN, Fig. 1), with the receiver comprising an in/output (read as the input of PROM 32 that receives DATA IN, lines 47-53 of column 2, Fig. 1) to be coupled to the network.

Consider **claim 4**, **as applied to claim 2 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the calibration signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read

as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 5**, **as applied to claim 4 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 6**, Badger shows and discloses a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner (read as the tuning section 10, Figure 1), at least one database field in a database (read as an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the inherently existing memory that provides DATA IN is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16- 54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide

calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englimeier's system inherently existing an identifier for the network to identify it to send correct calibrate signals.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 7**, **as applied to claim 6 above**, Badger, as modified by Englimeier, furthers shows and discloses a tuner, characterized in that the tuner comprises a tuner bus (read as wire connection between DAC 32 and microprocessor that connects to PROM 42, Fig. 1) be coupled to a receiver memory (read as PROM 42, lines 47-53 of column 2, Fig. 1) for receiving the calibration signal stored in the receiver memory (read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores DATA IN from an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1).

Consider **claim 8**, **as applied to claim 7 above**, Badger, as modified by Englimeier, furthers shows and discloses a tuner, characterized in that the calibration signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), with the receiver comprising a digital-to-analog converter for converting the digital calibration

signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 9**, **as applied to claim 8 above**, Badger, as modified by Englimeier, furthers shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 10**, Badger shows and discloses a method for electronically tuning at least one electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) in a receiver, characterized in that at least one database field in a database situated outside the receiver and of downloading at least one calibration signal from the database field for calibrating the electronically tuned filter (read as PROM 32 obtains DATA IN from an inherently existing memory is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16 and 54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated

through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englimeier's system inherently existing an identifier for the network to identify it to send correct calibrate signals.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 11**, Badger shows and discloses a method comprising:

providing tuners that comprise at least one electronically tunable filter and at lease one database field in a database situated outside the tuner (read as DAC 32 obtains corresponding digital trimming signal from PROM 42 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which PROM 42 stores digital trimming that is from an inherently existing memory that is outside of the tuner, lines 23-53 of column 2, Fig. 1);

and operating the database that comprises the database fields for storing calibration signals for calibrating the electronically tunable filters (read as digital trimming signal is stored into a inherently existing memory, this memory provides digital trimming signal to DAC 32 through PROM 32 and microprocessor 40 to determine VC14 to turn filter 14, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englimeier's system inherently existing an identifier for the network to identify it to send correct calibrate signals.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Badger, as modified by Englmeier, discloses the method above but fails to mention a method of "selling". However, it is examiner's contention that since the limitation are taught by Badger, the "selling" method in the preamble is taught as well.

Conclusion

7. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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